



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

natural consequences of which were to cause damage to the plaintiffs' business reputation, and there is obviously no justification. All the essential elements of tort liability are present, therefore, although it is difficult to bring the action within any existing classification. *Rice v. Coolidge*, 121 Mass. 393.

TORTS — LIABILITY OF A MAKER OR VENDOR OF A CHATTEL TO THIRD PERSONS INJURED BY ITS USE — NATURE AND GROUNDS OF LIABILITY — The defendant negligently allowed some poisonous matter to get into some meat which it was canning. The plaintiff bought some of this meat from a third party relying on the defendant's representations as to the purity of its products. Because the plaintiff served this bad meat to a customer his trade was injured. A demurrer to a declaration alleging these facts was sustained by the lower court. *Held*, that such ruling is error, as there was an implied warranty to all subvendees that the goods were fit. *Mazetti v. Armour & Co.*, 135 Pac. 633 (Wash.).

It is well settled that a warranty only runs to the warrantor's immediate vendee. *Prater v. Campbell*, 110 Ky. 23, 60 S. W. 918; *Post v. Burnham*, 83 Fed. 79; but see *Childs v. O'Donnell*, 84 Mich. 533, 538, 47 N. W. 1108, 1109. This strict rule as to warranties has doubtless influenced courts that have held that a vendor should not be liable in tort in cases where there is no privity of contract between the parties. The latter conclusion is clearly unsound. But courts should not go to the other extreme and hold manufacturers absolutely liable to all persons for injuries from their products. The defendant in the principal case would be liable for negligence, indeed, on principle and by the weight of authority. *Tomlinson v. Armour & Co.*, 75 N. J. L. 748, 70 Atl. 314; *Ketterer v. Armour & Co.*, 200 Fed. 322. *Contra*, *Nelson v. Armour Packing Co.*, 76 Ark. 352, 90 S. W. 288. Furthermore, there is a liability imposed in many states on one who makes an honest misrepresentation, in favor of one who justifiably has relied thereon, provided the former had better means of knowledge as to the truth of the statements than the party injured. *Goodale v. Middaugh*, 8 Colo. App. 223; *Kellogg v. Holm*, 82 Minn. 416, 85 N. W. 159. *Contra*, *Sims v. Eiland*, 57 Miss. 83. See 24 HARV. L. REV. 415, 427 *et seq.* Generally, in cases similar to the principal case, it would be difficult to prove actual reliance on express statements, such as advertisements. But as the plaintiff has alleged such reliance it would seem that on demurrer he could recover for the damage resulting therefrom. *Blood Balm Co. v. Cooper*, 83 Ga. 457, 10 S. E. 118. *Cf.* *Roberts v. Anheuser-Busch Brewing Ass'n*, 211 Mass. 449, 98 N. E. 95.

TRIAL — PROVINCE OF COURT AND JURY — RIGHT OF APPELLATE COURTS TO DIRECT A JUDGMENT NOTWITHSTANDING VERDICT. — The defendant at the trial of the present action requested a directed verdict which, upon the evidence presented, should have been given. The request was refused, however, and the jury found a verdict for the plaintiff. A Massachusetts statute provides that the Supreme Court under such circumstances may direct the entry of a judgment for the party in whose favor a verdict should have been directed below. The defendant, excepting to the ruling of the lower court, requested that this be done. *Held*, that the court will direct that judgment be entered for the defendant. *Bothwell v. Boston Elevated Ry. Co.*, 102 N. E. 665 (Mass.).

The United States Supreme Court recently denied the right to direct the entry of a similar judgment on the ground that the plaintiff's constitutional right to trial by jury required a new trial. *Slocum v. N. Y. Life Ins. Co.*, 228 U. S. 364, 33 Sup. Ct. 523. See article on this question by J. S. Thordike in 26 HARV. L. REV. 732. The practical inconvenience of such a decision is obvious. The parties must undergo the annoyance and expense of a new trial though the evidence warrants only a directed verdict, and though the